

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SEAN GILLEN,

Petitioner,

vs.

GREG PROVINCE, Warden,

Respondent.

NO. CIV-10-0933-HE

ORDER

Petitioner Sean Gillen, a state prisoner appearing *pro se*, filed this case pursuant to 28 U.S.C. § 2254, seeking habeas relief from his state court conviction. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred for initial proceedings to Magistrate Judge Gary M. Purcell, who has recommended that the petition be denied. Objections to Judge Purcell's Report and Recommendation were due by January 6, 2011.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a). Accordingly, the court adopts Magistrate Judge Purcell's Report and Recommendation, and **DENIES** the petition for writ of habeas corpus.

IT IS SO ORDERED.

Dated this 18 day of January, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE